

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Sections 309(j) and 337 of the)	WT Docket No. 99-87
Communications Acts of 1934, as Amended)	
)	
)	

REQUEST FOR WAIVER AND EXTENSION

Levy County, Florida (“Levy County” or “County”), by its attorneys and pursuant to Sections 1.3 and 1.925 of the Rules and Regulations of the Federal Communications Commission (“FCC” or “Commission”)¹ and the Commission’s *Narrowbanding Extension Public Notice*,² hereby requests a waiver of Section 90.209(b) of the Commission’s rules, which requires land mobile radio licensees in the 150-174 MHz and 450-512 MHz (VHF/UHF) bands to convert and migrate current systems to technology utilizing channel bandwidths of no more than 12.5 kHz or equivalent efficiency (“narrowband”) by January 1, 2013.³ Specifically, Levy

¹ 47 C.F.R. §§ 1.3 and 1.925.

² *Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, And Office of Engineering and Technology Provide Reminder of January 1, 2013 Deadline for Transition to Narrowband Operations in the 150-174 MHz and 421-512 MHz Bands and Guidance for Submission of Requests for Waiver and Other Matters*, Public Notice, DA 11-1189 (July 13, 2011) (“*Narrowbanding Extension Public Notice*”); *see also Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Provide Supplemental Guidance for Licensees in the 150-174 MHz and 421-512 MHz Bands Seeking Waivers of the January 1, 2013 Narrowbanding Deadline*, Public Notice, DA 12-246 (rel. Feb. 1, 2012).

³ *See Implementation of Sections 309(j) and 337 of the Communications Act of 1934, as Amended*, Second Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 3034 (2003); *Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended*, Third Memorandum Opinion and Order, Third Further Notice of Proposed Rule Making and Order, 19 FCC Rcd 25045 (2004); *Implementation of Sections 309(j) and 337*

County requests that the Commission waive Section 90.209(b) of its rules to provide a limited extension of the narrowband migration deadline for each of Levy County's Public Safety Pool licenses (the "Licenses")⁴ until January 1, 2014, twelve (12) months from the current deadline. As explained in greater detail herein, Levy County is diligently working to convert its current system to state-of-the-art narrowband technology. Unfortunately, circumstances beyond Levy County's control will preclude full migration of the Licenses to narrowband technology by the January 1, 2013 deadline. Additionally, grant of the requested waiver and extension of time will serve the public interest by preventing dangerous disruptions to critical public safety communications, which provide vital law enforcement, medical, transit, and public safety management services to citizens throughout Levy County.

I. Background

Levy County is a rural county located in the northern Gulf Coast region of Florida. Levy County covers approximately 1,100 square miles and has a population of 40,801 residents.⁵ The County's proximity to the Gulf of Mexico and a nuclear power plant make emergency preparedness and public safety communications a top priority for the County. The Licenses are currently utilized to maintain mission critical communications among many local law enforcement, medical, transit, and public safety entities, including Levy County's Fire Department, Department of Emergency Medical Services, Department of Emergency Management, Sheriff's Office, Road Department, and Nature Coast Transit Department. A few examples of the ways in which the Licenses are being used include radio communications for:

of the Communications Act of 1934 as Amended, Order, 25 FCC Rcd 8861 (2010); *see also* 47 C.F.R. § 90.209(b).

⁴ Call Signs KIF638, KRL245, WNQA824, WNSG279, WNXM413, WNQJ615, WNUK671, and WNX915.

⁵ U.S. CENSUS BUREAU (2010).

advanced life support transport vehicles during emergency and non-emergency activities; all county and city fire departments initial incident dispatching and emergency scene communications; coordination and response during disaster activities; coordination of evacuations of special needs patients; and law enforcement officer coordination inside the Levy County Jail. Although Levy County has been diligently working to upgrade its land mobile radio system for years, the comprehensive overhaul required to deploy a system that satisfies the Commission's narrowbanding requirements necessitates this limited request for additional time.

II. Grant of the Requested Limited Waiver and Extension is Warranted Pursuant to the FCC's Rules.

Pursuant to Section 1.3 of the FCC's rules, the Commission may waive any provision of its rules if good cause is shown.⁶ As explained in greater detail below, Levy County has been diligently working to meet the January 1, 2013 migration deadline. Unfortunately, Levy County will not be able to meet the deadline due to delays resulting from unforeseen complexities associated with the overhaul of its aging wideband system. The County has discovered that it must replace all of the existing VHF link radios with a microwave backhaul system in order to eliminate significant interference issues experienced with existing interference-prone VHF link radios and to increase the reliability of public safety communications. The County also will need to make other upgrades to its aging system in order to improve reliability and efficiency. The County also will add additional sites in order to improve coverage and reliability and thereby to provide greater public safety.

Levy County is pursuing an aggressive deployment schedule and expects to complete narrowbanding of its system by the end of 2013, if not sooner. A waiver and limited extension of the deadline is necessary, however, in order to prevent dangerous disruptions to critical public

⁶ See 47 C.F.R. § 1.3.

safety communications during the deployment process. Good cause thus exists for a grant of the requested extension to allow the County a reasonable amount of time to complete its ongoing narrowbanding migration.

Levy County's request for limited waiver and an extension of the narrowbanding migration deadline also satisfies the Commission's general standards for determining when a waiver should be granted in a Wireless Telecommunications Bureau proceeding.⁷ Pursuant to Section 1.925(b)(3) of the Commission's rules, a request for waiver may be granted if it is shown that:

- (i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or
- (ii) In view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.

In the *Narrowbanding Extension Public Notice*, the Commission identified specific factors that it considers relevant in assessing whether a request for waiver of the narrowbanding deadline satisfies the Commission's standard under Section 1.925. These factors include: (1) the steps that have been taken to plan for, initiate, and complete the narrowband transition; (2) the system size and complexity; (3) whether equipment must be replaced or upgraded; (4) whether, in addition to narrowbanding, the licensee plans additional system upgrades or improvements; (5) whether the licensee has funding sources; (6) whether the licensee's narrowbanding schedule is affected by relationships with neighboring systems due to interoperability; (7) plans to

⁷ See 47 C.F.R. § 1.925(b)(3).

minimize the impact of extended wideband operations on co-channel and adjacent channel operations; and (8) whether the licensee will relinquish the VHF/UHF spectrum. As explained below, based on these factors, approval of Levy County's request for limited extension is warranted.

A. Steps already taken to plan for, initiate, and complete the transition to narrowband operations

Levy County has worked diligently on the narrowbanding of its system for many years.

Specifically, the County, has already completed the following steps:

- Designated the Levy County Department of Public Safety ("DPS") as the County department responsible for developing and implementing the County's narrowbanding transition plan;
- DPS prepared a budget for completion of the narrowbanding project;
- The Levy County Board of County Commissioners approved the funding for the narrowband project;
- DPS reviewed a number of different operating systems and selected a vendor, ICOM America Inc., ("ICOM") to help develop a system that meets the County's needs;
- ICOM delivered a Statement of Work identifying all system components and subscriber radios needed, working within the approved budget.
- After researching and considering a number of design options, DPS selected a design for a six site, 6.25 kHz digital NXDN VHF system;
- DPS and ICOM researched new equipment options and selected specific equipment;
- DPS selected the six tower sites. This sites include three existing sites that are under contract and three new sites;
- Completed propagation studies to insure adequate coverage on all six sites. These studies used antennas heights that have been approved by all of the tower owners;
- Based on the selected repeater sites, available VHF frequency pairs have been identified and work on applications to obtain authorizations of these VHF frequencies has begun.

B. System size and complexity.

The Licenses presently operate on a four site VHF multicast wideband system, which provides limited mobile coverage throughout Levy County. Although the current system is not complex, it is aging and does not provide adequate communications. The current system uses four repeaters located throughout Levy County, and each repeater is interfaced to a VHF link radio that provides simple single channel backhaul to the next site. The VHF link radios used in the current system are problematic as they are prone to interference. The antenna and cabling systems are aging, and most of the equipment is over ten years old. Accordingly, although the system is not particularly large or complex, the County has determined that it essentially must be replaced almost in its entirety.

C. Narrowband Capability of the System

Some of the system equipment already owned by the County is narrowband capable, however, this equipment is only able to operate on 12.5 kHz of channel bandwidth and not at 6.25 kHz bandwidth. Since the county is deploying an ultra-efficient system designed to operate at 6.25 kHz, all existing equipment must be replaced.

D. Planned System Upgrades.

Levy County plans to make significant improvements to the current system that go beyond the changes required by the Commission for narrowband migration. The County will be installing a six site, 6.25 kHz digital NXDN VHF system for all county communications with a microwave backhaul system. The new backhaul system will replace the interference-prone VHF remote base link radios currently providing backhaul. The County also will add additional sites in order to increase coverage and improve reliability.

E. Sources of funding and budget approval process.

The narrowband project will receive funding from three sources: 1) fire assessment, 2) EMS assessment, and 3) general Levy County funds. The budget approval process involves making a presentation and obtaining approval from Levy County Board of County Commissioners. The budget for the narrowbanding migration project has received the requisite approval.

F. Whether the licensee's narrowbanding schedule is impacted by neighboring systems due to interoperability relationships or other interdependencies.

Levy County's narrowbanding migration schedule is not affected by neighboring systems.

G. Plans to minimize the negative impact of extended wideband operations on co-channel and adjacent channel operations.

If this request for limited extensions is approved by the Commission, Levy County plans to minimize the negative impact of wideband operations on co-channel and adjacent channel operations by restricting use of its current system to two-tone paging and limited voice transmissions, which will significantly reduce the level of wideband radio traffic and decrease the risk of harmful interference.

H. Plans to migrate to a non-VHF/UHF band and relinquishment of VHF/UHF Spectrum

This factor is not applicable to Levy County, as it does not plan to migrate to a non-VHF/UHF band.

A waiver and limited extension is warranted in this case because strict enforcement of the narrowbanding deadline would not serve the underlying purpose of Section 90.209(b). The County is working to deploy a spectrally efficient 6.25 kHz, countywide interoperable system. Allowing the County a brief extension of time in which to deploy this system, will further the

purpose of the rule of by enabling the County to deploy spectrally efficient equipment without disruption of critical public safety communications.

Grant of the requested waiver would serve the public interest by supporting Levy County's good faith efforts to expeditiously complete deployment of an improved, countywide interoperable, narrowband communications system. Most importantly, grant of the waiver will serve the public interest by preventing dangerous disruptions to public safety communications. Furthermore, approval of this request is appropriate because Levy County does not have an interoperability relationship or interdependency with any neighboring systems, and will not negatively impact any co-channel or adjacent channel operations.

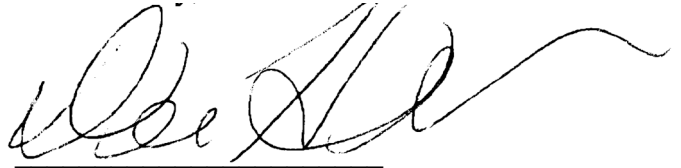
Grant of the requested relief also is warranted because based on the facts of this case, Levy County has no reasonable alternative. Absent a waiver, the County would face disruption of critical County public safety communications. Such disruption would not serve the public interest.

III. Conclusion

For the reasons set-forth above, Commission approval of the requested waiver is warranted. Levy County has been diligently working to convert its communications system to advanced narrowband technology. Despite the County's good-faith efforts, however, unforeseen delays associated with the complete overhaul of the aging wideband system will preclude full migration of the Licenses to narrowband technology by the January 1, 2013 deadline. Grant of the requested waiver and extension of time will serve the public interest by preventing disruption to critical communications among the many local law enforcement, medical, transit, and public safety entities working to protect the lives and property of residents throughout Levy County during the limited extension period. Accordingly, Levy County respectfully requests that the

Commission grant the requested waiver and an extension of the Section 90.209(b) narrowband migration deadline until January 1, 2014.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Donald L. Herman, Jr.', written over a horizontal line.

Donald L. Herman, Jr.
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Its attorneys

Dated: December 7, 2012

DECLARATION OF DAVID KNOWLES

I, David Knowles, do hereby declare under penalty of perjury that the foregoing is true and correct:

1. I am the Public Safety Director for Levy County Emergency Medical Services.
2. I have read the forgoing "Request for Waiver and Extension." I have personal knowledge of the facts set forth therein, and I believe them to be true and correct.



David Knowles
Public Safety Director,
Levy County Emergency Medical Services

Dated: December 7, 2012